

Division 5

DEFINITIONS AND GENERAL ADMINISTRATION

817-005-0005

Definitions

The following definitions apply to OAR Chapter 817, Divisions 5 through 120.

- (1) "Adequate ventilation" means ventilation by natural or mechanical methods that removes or exhausts fumes, vapors, or dust to prevent hazardous conditions from occurring in accordance with OAR Chapter 437, Division 2, or to allow the free flow of air in a room in proportion to the size and capacity of the room.
- (2) "Affidavit of Licensure" means an original document or other approved means of verifying licensure history, including information disclosing all unresolved or outstanding penalties and disciplinary actions. Refer to OAR 331-030-0040.
- (3) "Article" means those items that complement services provided in the practice of barbering, hair design, esthetics or nail technology, including, but not limited to, neck-strips, towels or linens, and cloth or plastic capes.
- (4) "Authorization" has the definition set forth in ORS 676.562 and means a certificate, license, permit or registration issued by the Health Licensing Office that allows a person to practice one of the occupations or professions or maintain a facility subject to the authority of the boards and councils listed in ORS 676.565.
- (5) "Barbering" has the definition set forth in ORS 690.005.
- (6) "Board" means the Board of Cosmetology.
- (7) "Chemical service" means the use of any product that restructures or removes hair or changes the shape or appearance of skin, hair or nails.

- (8) "Common area" means an area of a facility that is used by all authorization holders performing services, including, but not limited to, reception areas, dispensing areas, sinks, shampoo bowls, hair dryers, hair dryer areas and employee lounges.
- (9) "Dermaplaning" means the use of a blade with a handle to remove dead skin cells and vellus hairs from the face.
- (10) "Disinfect" means using a process to destroy harmful organisms, including bacteria, viruses, germs, and fungi.
- (11) "Dispensing area" means an area with nonporous surfaces and a sink with hot and cold running water where service preparations are conducted, including, but not limited to, mixing of chemicals, cleaning of tools and equipment, disposing of residues, and rinsing parts of the body exposed to chemicals.
- (12) "Educational institution" means an Oregon high school licensed under in ORS 335, Oregon career school licensed under ORS 345 or an Oregon community college licensed under ORS 341.
- (13) "EPA" means United States Environmental Protection Agency.
- (14) "Equipment" means those items needed to operate a facility, including, but not limited to, waiting chairs, barber or styling chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, pedicure bowls or whirlpool foot spas, paraffin wax containers, and nail technology tables.
- (15) "Esthetics" has the definition set forth in ORS 690.005.
- (16) "Facility" has the definition set forth in ORS 690.005.
- (17) "FDA" means United States Food and Drug Administration.
- (18) "Field of practice" has the definition set forth in ORS 690.005.

- (19) "Fire-retardant container" means an airtight metal container for disposing of chemical waste or storing linens with chemical residue.
- (20) "Freelance authorization" has the definition set forth in ORS 690.005.
- (21) "Hair design" has the definition set forth in ORS 690.005.
- (22) "HECC" means Higher Education Coordinating Commission.
- (23) "High-level disinfectant" means a chemical agent, that has demonstrated tuberculocidal activity and is registered with the EPA.
- (24) "Independent contractor" has the definition set forth in ORS 690.005.
- (25) "Low-level disinfectant" means a chemical agent that has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity and is registered with the EPA.
- (26) "Materials and supplies" means those items which complement the use of tools and implements, including but not limited to hair tints, bleaches, permanent wave solutions, hair oils, shampoos, wax, rinses, disinfectants, and chemicals.
- (27) "Nail technology" has the definition set forth in ORS 690.005
- (28) "Natural hair care" has the definition set forth in ORS 690.005.
- (29) "Natural person" means a living, individual, human being.
- (30) "Office" means Health Licensing Office.
- (31) "Official transcript" means a document authorized by the appropriate office in the HECC and certified by an educational institution indicating applicant identity information, each field of practice enrolled under, specific hour requirements for each field of practice if applicable, final practical examination scores for each field of practice, enrollment information and a signature from an authorized representative on file with the

Office. Original documents must be submitted directly to the Office from the educational institution by United States Postal Service mail, email or fax.

(32) "Practitioner" has the definition set forth in ORS 690.005.

(33) "Premises" means the entire area of a facility, licensed by the Office as a facility defined under ORS 690.005.

(34) "Sharp edged or pointed, non-electrical tools and implements" means those items that may come in contact with blood-borne pathogens and other potentially hazardous materials including, but not limited to, dermaplaning blade with handle, lancets, razors, cuticle nippers, cuticle pushers, nail clippers, tweezers, comedone extractors, shears, and metal nail files.

(35) "Soiled" means an article that has been used and has not been cleaned or disinfected for use on the next client.

(36) "Superficial peel" means a chemical peel that does not extend beyond the stratum basale (basal layer). This does not include enzymes and other solutions that act only on the stratum corneum.

(37) "Tools and implements" means all portable articles and instruments, which the authorization holder uses when performing services on clients, including, but not limited to combs, brushes, shears, clippers and yoyettes.

(38) "Very superficial peel" means a chemical peel that does not extend beyond the stratum spinosum. This does not include enzymes and other solutions that act only on the stratum corneum.

(39) "Work area" means an area where services are performed, and preparations are conducted including, but not limited to shampoo area, work stations and dispensing area.

817-005-0010

Election

The chairperson of the Board must be elected annually. Elections must be held during the last regularly scheduled Board meeting of the year or if canceled, the next regularly scheduled meeting. Terms of office run from January 1 to December 31.

817-005-0015

Vacancies in Office

If the chairperson is unable to complete the term, the Board will elect another chairperson.

817-005-0020

Duties of Officer

(1) The chairperson must preside at all meetings. The chairperson must confer with the Office on matters that occur between meetings and matters that need to be placed on the Board meeting agendas. The chairperson may order or reorder the agenda.

(2) If the chairperson cannot attend a meeting or a portion of the meeting, the Board must vote to elect another Board member to serve as chairperson for the specific meeting.

(3) Decisions will be made by a vote of the Board and carried out with a motion and second and vote by majority.

DIVISION 6

PRACTITIONER CERTIFICATE QUALIFICATIONS

AMEND AND RENUMBER FROM [817-030-0003](#) TO 817-006-0001

Practitioner Certificate in a Field of Practice

- (1) A practitioner certified in a field of practice under ORS 690.046, may perform services in a field of practice defined under ORS 690.005.
- (2) A practitioner certificate is valid for two years and becomes inactive on the last day of the month two years from the date of issuance.
- (3) A practitioner must meet and adhere to all applicable requirements listed under OAR Chapter 817, Division 8, 10, 15, and 60.
- (4) A practitioner must notify the Office within 30 calendar days of changes in employment status pursuant to OAR 331-010-0040.

AMEND AND RENUMBER FROM [817-030-0005](#) TO 817-006-0025

Practitioner Certificate Application Requirements for Hair Design, Barbering, Nail Technology, and Esthetics

An individual applying for a certification in a field of practice must:

- (1) Meet the requirements of OAR 331 Division 30;
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application and examination fees; and

(3) Meet all education, examination and training requirements in effect at the time of application through one of the following pathways;

(a) Certification Pathway 1 — Graduation from an educational institution:

(A) Submit an official transcript from an educational institution showing proof of hours for a field of practice as required by the HECC pursuant to ORS 345.400 and OAR 715-045-0200;

(B) Submit a passing score of a Board-approved practical examination. Practical examination scores are valid for two years from the date the practical examination was completed and passed.

(C) Passage of a Board-approved written examination within two years of the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination within two years of applying for the additional field of practice.

(D) An applicant is not required to provide proof of official transcripts in a field of practice the applicant was previously certified in Oregon; and

(E) An applicant coming from a proficiency-based educational institution under ORS 345.400 may be required to submit additional information to the Office.

(b) Certification Pathway 2 — Reciprocity:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040 from another state, and the license is active with no current or pending disciplinary action and is substantially equivalent to Oregon certification requirements pursuant to ORS 690.047; and

(B) Passage of a Board-approved written examination within two years of the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination within two years of applying for the additional field of practice.

(c) Certification Pathway 3 — HECC Review of Education, Training and Experience:

(A) Submit documentation from the HECC confirming the applicant is qualified to take the Board-approved qualifying examination pursuant to ORS 345.430; and

(B) Submit a passing score of a Board-approved practical examination. Practical examination scores are valid for two years from the date the practical examination was completed and passed.

(C) Completion and passage of a Board-approved written examination within two years before the date of application including the Oregon laws and rules examination.

(4) Upon passage of all required examinations and before receipt of certificate, the applicant must pay all certification fees.

AMEND AND RENUMBER FROM [817-030-0028](#) TO 817-006-0050

Practitioner Certificate Application Requirements for Natural Hair Care

An individual applying for a certification in natural hair care must:

(1) Meet the requirements of OAR 331 Division 30;

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

- (3) Submit proof of having completed the informational training modules regarding natural hair care available on the Office Web site; and
- (4) Submit proof of having completed and passed a Board-approved written examination within two years before the date of application.

AMEND AND RENUMBER FROM [817-030-0030](#) TO 817-006-0075

General Examination Information

- (1) Practical examination: The Board recognizes and sanctions the practical examination conducted by an educational institution defined under OAR 817-005-0005.
- (2) Written examination: The Board-approved written examination consists of one or more fields of practice and the Oregon laws and rules examination.
- (3) Written examination applicants may be electronically monitored during testing.
- (4) Each section of the written examination will be scored individually. The passing score for each section is 75 percent or better.
- (5) The Board will establish a maximum time allowance for each section of the written examination.
- (6) An applicant may not take notes or bring textbooks or notebooks into the written examination area.
- (7) No electronic equipment or communication devices, such as personal computers, pagers or cellular telephones or any other devices deemed inappropriate by the Office, are allowed in the written examination area.
- (8) An applicant may be immediately disqualified during or after the examination for conduct that interferes with the written examination. The examination may be

invalidated, and written examination fees may be forfeited. Such conduct includes, but is not limited to:

- (a) Directly or indirectly giving, receiving, soliciting, or attempting to give, receive or solicit aid during the written examination process;
 - (b) Taking items, including, but not limited to items listed in subsection (6) and (7) of this rule into the written examination area;
 - (c) Removing or attempting to remove any examination-related information, notes or materials from the written examination site;
 - (d) Failing to follow directions relative to the conduct of the written examination; and
 - (e) Exhibiting behavior that impedes the normal progress of the written examination.
- (9) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination for reasons under subsection (6), (7) and (8) of this rule.

AMEND AND RENUMBER FROM [817-030-0065](#) TO 817-006-0100

Written Examination Retake Requirements

- (1) Failed sections of a written examination may be retaken as follows:
 - (a) After first failed attempt — the applicant may not retake an examination until on or after the 8th calendar day;
 - (b) After second failed attempt — the applicant may not retake an examination until on or after the 8th calendar day;

- (c) After third failed attempt — the applicant may not retake an examination until on or after the 30th calendar day and must submit an official transcript certifying additional training from an educational institution on a form prescribed by the Office or complete an Office administered examination study review;
- (d) After fourth failed attempt — the applicant may not retake an examination until on or after the 8th calendar day;
- (e) After fifth failed attempt — the applicant may not retake an examination until on or after the 8th calendar day;
- (f) After the sixth failed attempt the ability to retake an examination, requirements for retake, or both will be determined by the Board on a case-by-case basis.
- (2) An applicant retaking the examination must meet the requirements under OAR 331-030-0000.
- (3) If an applicant has not passed all required examinations within two years of the date of initial application, the applicant must reapply and pay all required fees.
- (4) For natural hair care certification, the first two failed attempts may be retaken on the same day. After the second failed attempt and each subsequent attempt the applicant must wait until on or after the 8th calendar day.

AMEND AND RENUMBER FROM [817-030-0071](#) TO 817-006-0125

Practical Examination Evaluation

The purposes of the practical examination evaluation are to allow the Board to decide which practical examinations it will approve as certifying examinations and how the

Board will be able to determine whether or not an individual practical examination is one the Board approves.

(1) In accordance with ORS 690.046 all educational institutions may submit to a practical examination evaluation once every two years in at least one field of practice under ORS 690.005 to have the practical examination approved by the Board.

(2) A practical examination being evaluated for approval must be performed in a continuous eight-hour period.

(3) If the educational institution fails the practical examination evaluation, the educational institution must correct the deficiencies, in accordance with HECC, before the practical examination is approved by the Board.

(4) To correct a practical examination, the educational institution must schedule a new practical examination evaluation and meet the HECC evaluation standards within 30 days from the date of the initial practical examination evaluation.

(5) A student whose educational institution's practical examination has not been approved may take the practical examination at another educational institution.

(6) A student is responsible for any charges or fees for a practical examination administered by another educational institution.

AMEND AND RENUMBER FROM [817-030-0080](#) TO 817-006-0150

Special Examination Accommodations

(1) Applicants who qualify under the Americans with Disabilities Act (ADA) may request a special accommodation examination.

(2) Requests for accommodation must be made on forms provided by the Office and contain supporting documentation completed by a licensed professional holding appropriate credentials qualified to certify that the applicant's disabling condition requires the requested test accommodation.

(3) Requests for accommodation must be arranged 30 calendar days in advance of the preferred examination date.

(4) All special accommodation examinations are conducted at the Office. If the Office is unable to accommodate the disability, a suitable alternate location will be chosen by the Office.

Proposed Rules

Division 007

LICENSING AND OPERATION OF A BUSINESS

AMEND AND RENUMBER FROM [817-020-0001](#) TO 817-007-0000

Facility License

(1) Pursuant to ORS 690.055, a facility license must be obtained when operating a business establishment and providing services in one or more fields of practice defined in ORS 690.005.

(2) A facility license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) The holder of a facility license must be a natural person, including but not limited to, a facility owner, facility manager or any other natural person.

(4) A facility license is not transferable; the license is not transferable from person-to-person or from location to location. If an existing facility moves or relocates to a new physical address, the facility license holder must submit a new application and meet the requirements of OAR 817-007-0025. A natural person may hold more than one facility license, but must submit a separate application, pay required fees and qualify for a facility license for each location.

(5) A facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, Divisions 7, 10, 15, 60, OAR 817-007-0050 and if applicable OAR 817-007-0075.

(6) A facility license holder must notify the Office within 30 calendar days of changes in facility name or assumed business name pursuant to OAR 331-010-0040.

AMEND AND RENUMBER FROM [817-020-0006](#) TO 817-007-0025

Application Requirements for Facility Licensure

To obtain a facility license, the applicant must meet the requirements of OAR 331 Division 30 and submit:

- (1) A completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (2) Proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000;
- (3) A list of authorization holders providing services in the facility;
- (4) The name of facility; and
- (5) If the facility is not operating under the real and true name of each owner, the applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648.

AMEND AND RENUMBER FROM [817-020-0007](#) TO 817-007-0050

Facility Standards

- (1) A facility license holder must:
 - (a) Comply with the notification requirements of OAR 331-010-0040;
 - (b) Allow the Office's representative to inspect the facility or conduct an investigation. Obstructing or hindering an investigation or inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to ORS 676.608 or 690.225.

(c) Comply with all applicable administrative rules and regulations of the Board and other state agencies regarding health, safety, and infection control standards including those listed in OAR 817-010-0007.

(d) Require each authorization holder working within the facility premises providing services in a field of practice to have the appropriate and required authorizations.

(2) All shared or common areas must be clean and sanitary and are the responsibility of each authorization holder.

(3) Each authorization holder at a facility may be cited for violations of rules or regulations found in the shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

(4) When body piercing, electrology or tattoo services are provided in a cosmetology facility, body piercing, electrology or tattoo services must be separated from cosmetology services by a solid barrier to prevent contact with foreign materials.

AMEND AND RENUMBER FROM [817-020-0009](#) TO 817-007-0075

Standards for Facilities Located in Residence

(1) A facility located in a residence must:

(a) Comply with all standards listed in OAR Chapter 817, Division 10 unless otherwise specified by rule.

(b) Have an identifying house number and a sign with the facility name, that matches the one on file with the Office, and is easily visible from the street, and indicates the location of the facility;

- (c) Be equipped with the structures, accommodations, and equipment that the Office requires for all facilities; and
- (2) The living area of the home must be separated from the facility by solid walls extending from floor to ceiling, with any connecting doors kept closed while the facility is in operation.
- (3) An adequate supply of hot and cold running water must be available. Sinks in the restroom do not qualify as a water source for a facility located within a residence.
- (4) A separate entrance is not required for facilities located in a residence.

AMEND AND RENUMBER FROM 817-020-0325 TO 817-007-0100

Temporary Facility

- (1) A temporary facility permit holder defined under ORS 690.005 and issued under ORS 690.055, may perform services in a field of practice defined under ORS 690.005.
- (2) The holder of a temporary facility permit must be a natural person.
- (3) A temporary facility permit is valid for a limited time not to exceed 30 consecutive calendar days.
- (4) A temporary facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, Divisions 7, 10, 15, 60, OAR 817-007-0050 and, if applicable, OAR 817-007-0075.
- (5) If a facility owner licensed under OAR 817-007-0000 intends to operate a facility on a limited basis, away from the facility address on file with the Office, they must obtain a temporary facility permit.

AMEND AND RENUMBER FROM [817-020-0350](#) TO 817-007-0125

Application Requirements for Temporary Facility Permit

- (1) For the Office to issue a temporary facility permit, the applicant must:
- (a) Meet the requirements of OAR Chapter 331 Division 30;
 - (b) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
 - (c) Submit proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000,
 - (d) Provide a list of authorization holders providing services in the temporary facility;
 - (e) Submit the name of the temporary facility; and
- (2) If the temporary facility is not operating under the real and true name of each owner, the applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648.

AMEND AND RENUMBER FROM [817-035-0048](#) TO 817-007-0150

Freelance Authorization

- (1) Pursuant to ORS 690.123, a practitioner who provides services outside of a licensed facility must hold a freelance authorization.
- (2) A freelance license is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal, unless renewed.
- (3) A freelance license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, Divisions 7, 10, 15, and 60.

(4) A freelance authorization holder must notify the Office within 30 calendar days of any information changes pursuant to OAR 331-010-0040.

AMEND AND RENUMBER FROM [817-035-0050](#) TO 817-007-0175

Application Requirements for Freelance Authorization

To obtain a freelance authorization a practitioner must meet the requirements of OAR 331 Division 30 and submit:

- (1) A completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (2) A passing score on the Oregon Laws and Rules examination within two years before the date of application
- (3) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name when applying for a freelance authorization. An ABN is not required if business includes the real and true name of the owner. Refer to Secretary of State, Corporations Division under ORS 648.

AMEND AND RENUMBER FROM [817-035-0052](#) TO 817-007-0200

Freelance Authorization Standards

A holder of freelance authorization must:

- (1) Provide each client with the Office's name, address and telephone number;
- (2) Display the practitioner's certificate number and freelance authorization number on all advertising when soliciting business;

- (3) Be subject to random audit to verify compliance with safety, infection control and licensing requirements pursuant to ORS 690.123; and
- (4) Allow the Office's representative to conduct an investigation pursuant to ORS 676.608. Obstructing or hindering the normal progress of an investigation, threatening or exerting physical harm, or enabling another individual to impede an investigation may result in disciplinary action pursuant to ORS 676.612 or ORS 676.992 and OAR 331-020-0070.

AMEND AND RENUMBER FROM [817-035-0068](#) TO 817-007-0225

Independent Contractor

- (1) Pursuant to ORS 690.057, a practitioner who provides services within a licensed facility and who is not an employee must hold an independent contractor registration.
- (2) An independent contractor must meet the criteria for independent contractor status in accordance with ORS 690.035, 690.057, 670.600, and 657.040;
- (3) An independent contractor registration is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal.
- (4) An independent contractor must comply with all applicable rules and regulations of the Board and other state agencies and adhere to all applicable requirements listed under OAR Chapter 817, Divisions 7, 10, 15, and 60.
- (5) An independent contractor registration is transferable between work locations, provided the Office is given notification as stated in OAR 331-010-0040.

AMEND AND RENUMBER FROM [817-035-0070](#) TO 817-007-0250

Application Requirements for Independent Contractor Registration

To obtain an independent contractor registration, a practitioner must meet the requirements of OAR Chapter 331 Division 30 and submit:

- (1) A completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (2) Proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000;
- (3) Proof of holding a current, valid practitioner certificate that is active and has no current or pending disciplinary action;
- (4) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name when applying for an independent contractor registration. An ABN is not required if business includes the real and true name of the owner. Refer to Secretary of State, Corporations Division under ORS 648.

AMEND AND RENUMBER FROM [817-035-0090](#) TO 817-007-0275

Independent Contractor Standards

- (1) An independent contractor must allow the Office's representative to inspect or conduct an investigation pursuant to ORS 676.608 or 690.225. Obstructing or hindering an investigation or inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to ORS 676.612 or 676.992 and OAR 331-020-0070.

(2) The cleanliness and sanitary condition of any shared or common area used by, or provided for, separately licensed facilities or independent contractors located at one premises is the responsibility of each license or registration holder at that premises.

(3) Each authorization holder located at one facility may be cited for violations of rules or regulations found in a shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

RENUMBER FROM [817-035-0093](#) TO 817-007-0300

Demonstration Permit

(1) Pursuant to ORS 690.105, a person not certified under ORS 690.048 who wishes to practice, demonstrate, and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes may obtain a demonstration permit.

(2) A demonstration permit is active for 30 days and is not renewable.

(3) The holder of the demonstration permit:

(a) May provide services in a field of practice defined under ORS 690.005.

(b) Must meet and adhere to all applicable requirements listed under OAR Chapter 817, Divisions 7, 10, 15, and 60.

(c) May perform services at training seminars; shows; licensed facilities or other locations approved by the Board.

AMEND AND RENUMBER FROM [817-035-0095](#) TO 817-007-0325

Application Requirements for Demonstration Permit

To obtain a demonstration permit, an individual must meet the requirements of OAR Chapter 331 Division 30 and submit:

- (1) A completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;
- (2) An affidavit of licensure pursuant to OAR 331-030-0040 from another state, which is active with no current or pending disciplinary action; and
- (3) A description of the purpose for which the permit is sought.

RENUMBER FROM 817-035-0110 TO 817-007-0350

Posting Requirements

- (1) Freelance authorization, certificate, license, permit and registration holders are subject to the requirements of OAR 331-030-0020.
- (2) Facility licenses must be posted in public view.
- (3) Independent contractor registrations must be posted in public view.
- (4) Practitioner certificates must be posted in public view.
- (5) Demonstration and temporary authorizations must be posted in public view.
- (6) A freelance authorization holder must show the authorization to practice upon request of the client.

(7) A facility license holder and independent contractor registration holder must post the most recent inspection certificate in public view in the facility or at the independent contractor's workstation.

Proposed Rules

Division 8

RENEWAL AND CONTINUING EDUCATION

AMEND AND RENUMBER FROM [817-035-0010](#) TO 817-008-0000

Issuance and Renewal of Authorizations

(1) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of OAR Chapter 331, Division 30 regarding the issuance and renewal of an authorization and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.

(2) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of ORS 690.046, 690.055, 690.057, 690.105 and 690.123 for issuance and renewal of an authorization.

(3) AUTHORIZATION RENEWAL: Authorization renewal, with the exception of independent contractor registration or freelance license, must be made prior to the authorization entering inactive status. The authorization holder must submit the following for renewal:

- (a) Renewal application form;
- (b) Payment of required renewal fee pursuant to OAR 817-040-0003; and
- (c) Attestation of having obtained required continuing education under OAR 817-008-0025, on a form prescribed by the Office, whether authorization is current or inactive.

(4) INACTIVE AUTHORIZATION RENEWAL: An authorization, with the exception of independent contractor registration or freelance license may be inactive for up to three years. The authorization holder must submit the following for renewal:

- (a) Renewal application form; and

(b) Payment of delinquency and authorization fees pursuant to OAR 817-040-0003. and

(c) Attestation of having obtained required continuing education under OAR 817-008-0025, on a form prescribed by the Office, whether authorization is current or inactive.

(5) EXPIRED AUTHORIZATION: An authorization, with the exception of independent contractor registration or freelance license, that has been inactive for more than three years, is expired and the authorization holder must meet the requirements listed in OAR 817-007-0025 for facility license holders and OAR 817-008-0000 for practitioners.

(6) For freelance authorization renewal or reactivation, the freelance authorization holder must submit:

(a) Proof of having passed the Board-approved Oregon Laws and Rules examination every three years; or

(b) Proof of having passed the Board-approved Oregon Laws and Rules examination within three years before the date of reactivating a dormant freelance authorization.

(7) Independent contractor registrations and freelance authorization that are not renewed become dormant; they do not become inactive and do not expire.

(8) To reactivate a dormant independent contractor registration or freelance authorization, the authorization holder must complete required qualifications, submit a form prescribed by the Office, and pay the required renewal fees.

(9) Independent contractor registrations and freelance authorization that are in dormant status are not valid.

(10) For the purpose of this rule, reactivation means to renew an independent contractor or freelance license registration that has been placed in dormant status.

817-008-0025

CONTINUING EDUCATION REQUIREMENTS

(1) To maintain certification, a practitioner must complete a minimum of five hours of continuing education every two years in at least one field of practice in which they are certified.

(2) Barbering: Continuing education must address one or more of the following subject matter:

- (a) Histology of the hair and scalp;
- (b) Histology of the skin;
- (c) Anatomy of the head and face;
- (d) Bacteriology;
- (e) Treatment of the hair, scalp and skin;
- (f) Hair care procedures;
- (g) Skin care procedures;
- (h) Design elements;
- (i) Cutting and styling procedures;
- (j) Shaving procedures;
- (k) Tools, implements and equipment;
- (l) Products;
- (m) Chemistry;
- (n) Professional ethics;
- (o) Business practices; and
- (p) Safety and infection control.

(3) Esthetics: Continuing education must address one or more of the following subject matter:

- (a) Histology of the skin;
- (b) Histology of the hair;
- (c) General anatomy;
- (d) Bacteriology;
- (e) Treatment of the skin;
- (f) Skin procedures;
- (g) Basic hair removal procedures;
- (h) Make-up procedures;
- (i) Tools, implements and equipment;
- (j) Products;
- (k) Professional ethics;
- (l) Business practices;
- (m) Chemicals; and
- (n) Safety and infection control.

(4) Hair design: Continuing education must address one or more of the following subject matter:

- (a) Histology of the hair and scalp;
- (b) Anatomy of the head;
- (c) Bacteriology;
- (d) Treatment of the hair and scalp;
- (e) Hair care products;

- (f) Design elements;
 - (g) Cutting and styling procedures;
 - (h) Chemical procedures;
 - (i) Chemical texture procedures;
 - (j) Hair coloring procedures;
 - (k) Hair lightening procedures;
 - (l) Chemistry;
 - (m) Professional ethics;
 - (n) Business practices;
 - (o) Tools, implements and equipment; and
 - (p) Safety and infection control.
- (5) Nail technology: Continuing education must address one or more of the following subject matter:
- (a) Histology of the skin;
 - (b) Histology of the nails;
 - (c) Anatomy of the hands and feet;
 - (d) Treatment of nails;
 - (e) Nail care procedures;
 - (f) Artificial nail procedures;
 - (g) Implements, tools and equipment;
 - (h) Products;
 - (i) Chemistry;
 - (j) Professional ethics;

(k) Business practices;

(l) Safety and infection control.

(6) Continuing education hours do not include travel time to or from the training site, registration or check-in periods, networking, introductions or welcome messages, orientation to the agenda, overviews of the day, mindfulness activities, breaks, lunches or wrap up for the day.

(7) Research, authorship, or teaching does not count towards continuing education credit for a renewal of a certificate.

(8) A practitioner must document compliance with the continuing education requirements through attestation pursuant to OAR 817-008-0050.

(9) Documentation of participation in continuing education requirements must be maintained for a period of eight years.

(10) A certification holder is not required to attest to having five hours of biannual continuing education until their second renewal after January 1, 2020. The second and all subsequent renewals require biannual attestation of five hours of continuing education.

(11) Credit hours obtained in excess of those required for the two-year reporting period cannot be carried forward to the next reporting cycle or used to activate an inactive certificate.

(12) Individuals certified in natural hair care are not required to obtain continuing education as a requirement for renewal.

817-008-0050

CONTINUING EDUCATION: AUDIT, REQUIRED DOCUMENTATION AND SANCTIONS

- (1) The Office will audit a percentage of practitioners to verify compliance with continuing education requirements.
- (2) Practitioners notified of selection for audit of continuing education attestation must submit to the Office, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 817-008-0025.
- (3) Evidence of successful completion of the required continuing education may include:
 - (a) Name of continuing education sponsor or provider;
 - (b) Course agenda – including the date of the training and breakdown of hours for each agenda item, lunch and breaks;
 - (c) Course outline – including a detailed summary of each topic discussed and the learning objective or training goal of each agenda item. The content of the course must have a direct relationship between the course training and subject matter related to requirements listed in OAR 817-008-0025;
 - (d) Background resume of speakers or instructors; and
 - (e) Documentation of attendance
 - (f) Successful course completion, including but not limited to, certificate, transcript, sponsor statement, affidavit attesting to attendance or diploma.
- (4) If documentation of continuing education is incomplete, the practitioner has 30 calendar days from the date of the deficiency notice to correct the deficiency and submit further documentation of completion of the required continuing education.

(5) Misrepresentations of continuing education or failure to complete continuing education requirements may result in disciplinary action, which may include, but is not limited to, assessment of a civil penalty, and suspension or revocation of the authorization.

Proposed Rules

Division 10

SAFETY AND INFECTION CONTROL SANITATION RULES

817-010-0007

Compliance with All Applicable Regulations

Authorization holders must observe the Department of Human Services, Oregon Health Authority, and to all other applicable city, county, state and federal regulations and requirements.

817-010-0014

Water Supply Requirements and Standards

(1) An adequate and immediate supply of both hot and cold running water and wash basins must be available:

(a) On the facility premises; and

(b) In any work area where hazardous materials are in use, that may have a harmful effect on or be absorbed through the skin if the contamination is not removed.

(2) Sinks located in a restroom do not qualify as a water source for the facility.

(3) If only natural hair care services are provided within the facility, a sink located in the restroom qualifies as a water source.

(4) Washing accommodations must be maintained in a clean and sanitary condition.

(5) Hand soap or similar cleansing agents must be available.

(6) Individual towels of cloth or paper must be available. Air blowers for drying the hands may be substituted for towels.

(7) Use of bar soap or a common towel or cloth is prohibited.

817-010-0055

Materials in Contact with a Client and Use of Wax

- (1) All substances, including wax, used within a field of practice must be dispensed from containers in a manner that prevents contaminating of the unused portion.
- (2) Substances that are applied to and then removed from a client's skin must be applied in such a manner that prevents contamination of the substance remaining in the bath or container, such as application with a single use spatula, or disposal of any used substance. This includes but is not limited to: hair-removal waxes, pastes and gels; wax skin treatments; and nail powders and liquids.
- (3) All substances must be covered when not in use and maintained at a temperature specified by the manufacturer's instructions.
- (4) All substances must be free of debris and foreign objects.
- (5) All substances must be disposed of immediately after use in accordance with OAR 817-010-0060.

817-010-0060

Refuse and Waste Materials

- (1) All chemical waste material must be disposed of in a closed container at the conclusion of each service and disposed of in a fire-retardant container at the end of each business day.
- (2) All waste related to the performance of services must be disposed of in a covered container to avoid cross-contamination with blood or other potentially infectious materials.

(3) All waste unrelated to performance of services must be disposed of in a covered waste disposal container. Containers located in the reception area, which do not contain waste relating to performance of services, are exempt from having covers.

(4) All outer surfaces of waste disposal containers must be kept clean.

(5) All waste that contains blood or other potentially infectious materials must be disposed of in a glove or plastic bag and then disposed of in a covered container with a garbage liner immediately following the service.

(6) All disposable, sharp-edged or pointed, nonelectrical tools and implements that come in direct contact with blood or other potentially infectious materials must be disposed of in a sharps container that is a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal. The container must be labeled with the "biohazard" symbol.

(7) Sealable plastic bags and biohazard labels, if applicable, must be available on the facility premises at all times when services are being performed;

(8) All used wax must be disposed of and removed from the facility at the end of each business day.

[817-010-0065](#)

Requirements and Standards for Product or Manual, Mechanical or Electrical

Appliance or Apparatus

(1) All manual, electrical and mechanical appliances and apparatuses used in a field of practice must meet all product registration requirements imposed by any federal, state, county, city or other authorities.

(2) All manual, electrical and mechanical appliances and apparatuses used in a field of practice are subject to inspection and all documentation related to the manual, electrical and mechanical appliances and apparatuses must be made available to the Office upon request.

(3) An authorization holder is responsible for using any product or manual, mechanical or electrical appliance or apparatus in a manner that is consistent with manufacturer's intended use and with client health and safety.

(4) An authorization holder is responsible for obtaining the necessary training and education to safely use any manual, mechanical or electrical appliance or apparatus on a client.

(5) An authorization holder is responsible for keeping any documentation of such training and education and must provide such documentation to the Office upon request.

817-010-0067

Requirements, Standards and Prohibitions - Esthetics

(1) ORS 676.635 prohibits the practice of advanced nonablative procedures by anyone who is not authorized to practice advanced nonablative procedures by the Board of Certified Advanced Estheticians, except for licensed health-care professionals acting within their scope of practice and students enrolled in an advanced nonablative esthetics education or training program.

(2) The practice of advanced nonablative esthetics is defined in ORS 676.630, and is a procedure that uses a laser or other device registered with the FDA for nonablative procedures performed on hair or skin.

(3) A device for the purposes of ORS 676.630 is a product intended to cure, mitigate, treat or prevent disease or affect the structure or function of the body. The FDA considers claims that indicate penetration or some effect beyond the stratum corneum into living layers of skin by such products to be evidence of a firm's intent to affect the structure or function of the body. See FDA Federal Food, Drug and Cosmetic Act, ch. II, s. 201(h) and

<https://www.fda.gov/downloads/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm575923.pdf>

(4) For the purposes of ORS 676.630, a chemical product is not a device. nonchemical products that do not penetrate living skin (e.g., epidermal and dermal layers of the skin) and claim only to do the following are not devices:

- (a) Facilitate exfoliation of the skin (i.e. disruption of the stratum corneum);
- (b) Improvement of appearance of the skin;
- (c) Give skin a smoother look and feel; or
- (d) Give skin a luminous look.

(5) An individual certified in esthetics is prohibited from using devices as defined in subsection (3) in this rule.

(6) A person who does not hold a valid practitioner certificate from the Board is prohibited from providing esthetic services using any type of device defined under this rule unless otherwise authorized to do so by statute.

(7) An individual certified in esthetics is responsible for determining if any practice would be prohibited by law.

(8) Services provided by an individual certified in esthetics that are prohibited, unsafe, dangerous or causes harm may result in a violation of incompetence, negligence or unprofessional conduct pursuant to ORS 676.612(2)(j) and under Office rules.

817-010-0068

Disinfecting Non-Electrical Tools and Implements

- (1) All tools and implements used within a field of practice must be disinfected or sterilized before use on each client.
- (2) All tools and implements that come in direct contact with clients, and cannot be disinfected or sterilized, must be disposed of after use.
- (3) Low-level disinfectants must meet the requirements defined under OAR 817-005-0005.
- (4) High-level disinfectants must meet the requirements defined under OAR 817-005-0005.
- (5) To disinfect nonelectrical tools and implements, the authorization holder must:
 - (a) Remove all hair and all foreign material;
 - (b) Clean thoroughly with soap or detergent and water;
 - (c) Rinse thoroughly with clear, clean water; and
 - (d) Complete process as outlined in section (6) or (7) of this rule; or
 - (e) Sterilize, using one of the approved methods listed in subsection (8) of this rule.
- (6) For all tools and implements without sharp edges or points, including, but not limited to, combs, brushes, rollers, rods, completely immerse according to manufacturer's instructions in a solution containing 1,000 parts per million (ppm) of a commercial

quaternary ammonium compound or other low-level disinfectant used according to the manufacturer's instructions.

(7) For all tools and implements with sharp edges or points, completely immerse in a high-level disinfectant used according to the manufacturer's instructions.

(8) If sterilization equipment is used, the equipment must be maintained and used according to manufacturer's instructions. Approved sterilization equipment is:

(a) Steam sterilizer, registered and listed with the FDA; or

(b) Dry heat sterilizer or autoclave, registered and listed with the FDA.

(9) Adequate disinfecting and sterilizing equipment must be maintained for the volume of business and usage requirements for the number of authorization holders performing services,

(10) All disinfectants listed in subsection (3) and (4) of this rule must be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times when the facility is open for business.

(11) Nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, disposable nail bits and other similar articles must be given to the client or discarded after use on a client.

(12) Reusable protective gloves must be cleaned with soap, water and disinfected after each use. Disposable protective gloves they must be discarded immediately after use.

[817-010-0095](#)

Pets in Facilities

Pets or other animals are not permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums.

Proposed Rules

Division 15

PRACTICE STANDARDS AND SERVICING CLIENTS

817-015-0030

Servicing Clients

When providing services in a field of practice an authorization holder must:

- (1) Observe and follow thorough hand washing with soap and water or other alternative hand-washing products, such as gel, aerosol spray, foam, or packaged hand wipes, immediately before and after serving each client to prevent cross contamination and exposure to blood or other potentially infectious materials.
- (2) Wear single-use disposable protective gloves when performing a service or procedure that routinely involves exposure to blood or other potentially infectious materials.
- (3) Wear eye goggles, shields or a mask if spattering is likely to occur while services are being performed.
- (4) Dispose of refuse and waste materials that come in contact with blood or other potentially infectious materials according to provisions of OAR 817-010-0060.

817-015-0055

Chemical Peels

- (1) An esthetician is prohibited from performing chemical peels that extend beyond the stratum basale.
- (2) Except as needed to acquire the education or training, an esthetician is only permitted to perform very superficial peels when the five hours of required education or training is completed.

(3) Except as needed to acquire the education or training, an esthetician is only permitted to perform superficial peels when the five hours of required education or training is completed.

(4) The training or education described in subsections (2) and (3) of this rule must be obtained through schools, institutions, vendors, manufacturers, formal seminars, online courses, an esthetician experienced in chemical peels, a licensed health-care provider experienced in chemical peels or through self-study.

(5) Proof of self-study must be documented on a form prescribed by the Office.

(6) Proof of all training or education obtained from schools, institutions, vendors, manufacturers, formal seminars, online courses must include the following:

(a) Name of continuing education sponsor or provider;

(b) Course agenda and outline – including the date of the training and breakdown of hours for each agenda item, lunch and breaks; and a detailed summary of each topic discussed and the learning objective or training goal of each agenda item;

(c) Documentation of attendance and course completion including, but not limited to, certificate, transcript, sponsor statement, affidavit attesting to attendance or diploma.

(7) The training or education obtained from an esthetician or licensed health care provider with experience providing chemical peel services in must include:

(a) Verification of the content and hours; and

(b) Proof of education or training received by the esthetician or licensed health-care provider providing the education or training.

(8) Records of the required education or training must be kept for as long as the esthetician provides very superficial or superficial peels and must be provided to Office upon request.

(9) An esthetician who is performing chemical peels must:

(a) Fully comply with the required education or training.

(b) Use chemicals in a manner intended by the manufacturer and in accordance with manufacturer's recommendations, guidelines and protocols.

(c) Only use chemicals that the licensed esthetician has been fully educated or trained in the use of and is fully informed of the ingredients in any products used.

(d) Only use chemicals that are suitable for the client after an analysis of the client's skin condition, medical history (including pregnancy if applicable), skin type, currently used medication and skin-care products.

(e) Chemicals must be stored and maintained in accordance with Division 60 of these rules.

817-015-0056

Dermaplaning Standards

(1) Except as needed to acquire the education and training, an esthetician is only permitted to perform dermaplaning when the six hours of required education and training below are completed. A minimum of two hours of the education and training must be hands on, practical training.

(2) The education and training must be obtained through schools, institutions, vendors, manufacturers, formal seminars, an esthetician experienced in dermaplaning, or a

licensed health-care provider experienced in dermaplaning. Proof of education and training must include:

- (a) Name of continuing education sponsor or provider;
 - (b) Course agenda and outline – including the date and breakdown of hours for each agenda item, lunch and breaks; and a detailed summary of each topic discussed and the learning objective or training goal of each agenda item.
 - (c) Documentation of attendance and successful course completion including, but not limited to, certificate, transcript, sponsor statement, affidavit attesting to attendance, or diploma.
- (3) The education and training obtained through an esthetician or from a licensed health care provider with experience providing dermaplaning services must include:
- (a) Verification of the content and hours; and
 - (b) Proof of education and training received by the esthetician or licensed health care provider providing the education and training.
- (4) An esthetician who is performing dermaplaning must:
- (a) Comply with the required education and training and retain proof of the required education and training and make available to the Office upon request.
 - (b) Only use dermaplaning when suitable for the client after an analysis of the client's skin condition, medical history (including pregnancy if applicable, skin type, currently used medication, and skin-care products).
 - (c) Provide dermaplaning in a manner that is safe for the client.
- (5) Dermaplaning blades must be single-use and disposed of after each treatment as required in OAR 817-010-0060.

Client Records

(1) A practitioner providing esthetic services is responsible for collecting and maintaining copies of client records. If client records are maintained by the facility, the facility license holder must provide the practitioner who is providing the service, with copies of those client records upon request. The record must include:

- (a) Client information including the client's name, address, telephone number, type of service, date of birth, and date of service;
- (b) The name of the practitioner and practitioner certificate number of whom is providing the service, and special instructions or notations pertinent to providing esthetic services including, but is not limited to, bleeding disorders, allergies or sensitivities to chemicals or products or complications during service(s); and
- (c) Medical advice, if obtained.

(2) Client records must be kept at the facility for a minimum of three years and must be made available upon request from the Office.

(3) Client records must be typed or printed in a legible format and may be stored electronically. Client records that are not readable by the Office will be treated as incomplete.

(4) If a practitioner is acting in a dual capacity and providing services outside their scope of practice, the capacity under which the person is working must be clearly documented in the client's record.

(5) If providing chemical peels or dermaplaning, the esthetician must also document:

- (a) Location of procedure on the body;

- (b) Special instructions or notations relating to the client's medical or skin conditions;
 - (c) Complete list of the client's sensitivities to medicines or topical solutions;
 - (d) Description of complications during procedure(s);
 - (e) Any referral to a health-care professional; and
 - (f) If providing chemical peels, the chemical used on the client, including the brand name or manufacturer, type of chemical peel, process of applying very superficial or superficial peel including number of layers of chemical peel solution, the length of time the chemical is left on the client's skin, pre and post treatment care.
- (6) For the purpose of procedures listed in subsection (5) of this rule upon initial visit the practitioner must obtain signature from the client that they have received and understand the following information and consent to the nonablative esthetic procedure:
- (a) Explanation of procedure;
 - (b) Risk(s) of the procedure;
 - (c) Description of potential complications or side effects;
 - (d) Adverse outcomes;
 - (e) Contraindications;
 - (f) Alternatives; and
 - (g) Aftercare instructions.
- (7) Following initial visit referenced in subsection (6) of this rule and if for the same procedure a practitioner may have the client initial, they have received information listed in subsection (6) of this rule and document any refusal to initial the client record.
- (8) Information listed in subsection (5), (6) and (7) of this rule may be combined with other documentation used by the practitioner.

(9) A practitioner is prohibited from providing services to a client who refuses to provide the personal information required in subsection (1)(a) of this rule unless the client signs a waiver form documenting the client's refusal to provide the required information. The signed waiver form must be retained on file in the manner required in subsection (2) of this rule.

(10) For the purpose of this rule, practitioner means an individual certified in esthetics.

817-015-0075

Head Lice

Head lice may be treated at the discretion of the authorization holder. Compliance with OAR Chapter 817, Division 10 Safety and Infection Control Rules and Facility Standards, must be observed and followed.

Proposed Rules

**Division 40
FEES**

817-040-0003

Fees

(1) Applicants and authorization holders are subject to provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Office, in consultation with the Board, are as follows:

(a) Application:

(A) Practitioner certificate: \$20 per field of practice. Fee applies to each two-year renewal cycle even while in inactive status for up to three years.

(B) Practitioner certificate by reciprocity: \$100 per field of practice.

(C) Independent contractor registration: \$50.

(D) Freelance authorization: \$25.

(E) Facility license: \$100.

(F) Temporary facility permit: \$50.

(G) Demonstration permit: \$25.

(b) Examination:

(A) Oregon laws & rules: \$35.

(B) Barbering: \$35.

(C) Hair design: \$35.

(D) Esthetics: \$35.

(E) Nail technology: \$35.

(F) Freelance authorization: \$25

(c) Original issuance of authorization to practice:

- (A) Practitioner certificate: \$25 for two years.
- (B) Practitioner certificate by reciprocity: \$45 for two years.
- (C) Independent contractor registration: \$100 for one year.
- (D) Freelance authorization: \$100 for one year.
- (E) Facility license: \$110 for one year.
- (d) Permits:
 - (A) Temporary facility: \$100.
 - (B) Demonstration: \$50.
- (e) Renewal of authorization to practice:
 - (A) Practitioner certificate: \$45 for two years. Fee applies to each two year renewal cycle even while in inactive status for up to three years.
 - (B) Practitioner certificate: online payment: \$40 for two years. Fee applies to each two-year renewal cycle even while in inactive status for up to three years.
 - (C) Independent contractor registration: \$100 for one year or online payment: \$90 for one year.
 - (D) Freelance authorization: \$100 for one year.
 - (E) Facility license: \$110 for one year or online payment: \$100 for one year. Fee applies to each renewal cycle even while in inactive status.
- (f) Other administrative fees:
 - (A) Delinquency fee: \$30 for each year in inactive status up to three years.
 - (B) Replacement of freelance authorization, certificate, license or registration, including name change: \$25.

(C) Duplicate freelance authorization, certificate, license or registration document: \$25 per copy with maximum of three.

(D) Affidavit of licensure: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

(F) Information packets: \$10.

Proposed Rules

Division 60

CHEMICAL USE AND STORAGE

817-060-0050

Use of Formaldehyde Products

(1) An authorization holder providing services with products that may contain formaldehyde must adhere to all city, county, state or federal laws, rules, codes and regulations related to the use of formaldehyde.

(2) The Office and Board adopt by reference Oregon Occupational Safety and Health Division OAR 437-002-0360.

(3) For the purpose of this rule:

(a) Employer referenced under OAR 437-002-0360 means a facility license holder, temporary facility permit holder, demonstration permit holder working outside of a licensed facility, a practitioner working outside of a licensed facility, or an independent contractor.

(b) Employee referenced under OAR 437-002-0360 means a practitioner working in a licensed facility, individual working under the direction of an independent contractor or facility license holder, or demonstration permit holder working in a licensed facility.

**Division 90
CIVIL PENALTIES**

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration

Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license and independent contractor registration laws and rules.

This schedule applies, except at the discretion of the Office pursuant to ORS 676.992.

For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.015(2)(b) or 690.015(2)(e):

(a) Never licensed or expired:

(A) 1st offense: \$750;

(B) 2nd offense: \$1500;

(C) 3rd offense: \$3000;

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Inactive:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000.

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(c) Suspended or Revoked:

(A) 1st offense: \$1000;

(B) 2nd offense: \$2500;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Operating or purporting to operate as an independent contractor without an independent contractor registration or with a dormant independent contractor registration is a violation of ORS 690.015(2)(a), 690.015(2)(d) or 690.015(2)(e):

(a) 1st offense: \$300;

(b) 2nd offense: \$750;

(c) 3rd offense: \$1500;

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(3) Allowing an uncertified employee or uncertified individual under a person's supervision and control to practice in a field of practice is a violation of ORS 690.015(2)(g) and OAR 817-007-0050(1)(d).

(a) Employee or individual who has never been certified:

(A) 1st offense: \$2000;

(B) 2nd offense: \$3000;

(C) 3rd offense: \$4000;

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Employee or individual with inactive, suspended, revoked, or expired certification:

(A) 1st offense: \$200

(B) 2nd offense: \$500

(C) 3rd offense: \$1000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(4) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of OAR 817-007-0000, 817-007-0025, and 817-007-0050 and may result in an emergency suspension of the facility license until the violation is corrected.

[817-090-0035](#)

Schedule of Penalties for Practitioner Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of practitioner licensing laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Performing, attempting to perform, or purporting to perform services in a field of practice without proper certification, freelance authorization, temporary practitioner registration or demonstration permit is a violation of ORS 690.015(2)(a) or 690.015(2)(e).

(a) Never held or expired:

(A) 1st offense: \$1000;

(B) 2nd offense: \$2500;

(C) 3rd offense \$5000.

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Inactive or dormant

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(c) Suspended or revoked:

(A) 1st offense: \$2500;

(B) 2nd offense: \$5000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Failing to display the practitioner certificate number and freelance authorization number when advertising or soliciting business; or, failing to provide required information under a Freelance Authorization is a violation of OAR 817-007-0200(1)(a) or

(b):

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

(3) Practicing outside a licensed facility without a valid Freelance Authorization is a violation of ORS 690.015(2)(c):

(a) 1st offense: \$500;

(b) 2nd offense: \$1000;

(c) 3rd offense: \$2500.

(4) Performing in a field of practice by a student when not on the premises of an educational institution, or while not pursuing the prescribed curriculum in which he or she is enrolled, is a violation of ORS 690.015(a):

(a) 1st offense: \$500;

(b) 2nd offense: \$1000;

(c) 3rd offense: \$2500.

(5) Failing to comply with notification requirements listed in OAR 331-010-0040, is a violation of OAR 331-010-0040:

- (a) For 1st offense: \$100;
- (b) For 2nd offense: \$200;
- (c) For 3rd offense: \$500.

817-090-0045

Schedule of Penalties for Authorizations Holders

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of certificate/license/registration/permit laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Altering with fraudulent intent or fraudulent use, attempted use, obtainment, or counterfeiting of a license, certificate, registration, permit or authorization issued by the Office is a violation of ORS 690.015(2)(j) or 690.015(2)(k):

- (a) 1st offense: \$1500;
- (b) 2nd offense: \$3500;
- (c) 3rd offense: \$5000.

(2) Failing to post a valid license, registration, certificate, permit or authorization issued by the Office in public view is a violation of OAR 817-007-0350:

- (a) 1st offense: \$200
- (b) 2nd offense: \$500
- (c) 3rd offense: \$500

(3) Failing to post the most recent inspection certificate in public view within the facility is a violation of OAR 817-007-0350:

- (a) 1st offense: \$200;

- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

817-090-0055

Schedule of Penalties for Home Facility Violations

(1) The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of home facility laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(2) Failing to identify a facility located in a residence by means of a house number or a sign easily visible from the street is a violation of OAR 817-007-0075:

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

817-090-0065

Schedule of Penalties for Water Supply and Disposal Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to have immediate access to hot and cold running water in the working area of a facility is a violation of OAR 817-010-0014(1):

- (a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to have a facility water supply which meets state pressure and purity requirements is a violation of OAR 817-010-0007 and 817-010-0014(1) and (2) and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Improperly disposing of liquid waste from a facility is a violation of OAR 817-010-0007 and 817-010-0021(3) and may result in an emergency suspension of the facility license until the violation is corrected.

817-090-0070

Schedule of Penalties for Towels and Linens Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to use clean towels or linens for each client is a violation of OAR 817-010-0035(1) and failing to launder towels and linens as required is a violation of 817-010-0035(5):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to store clean towels and linens in a clean area is a violation of OAR 817-010-0035(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Failing to immediately deposit all used towels with chemical residue in a closed, fire retardant container is a violation of OAR 817-010-0035(4):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Failing to deposit soiled towels in a covered container is a violation of OAR 817-010-0035(3):

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

817-090-0075

Schedule of Penalties for Waste Disposal Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to immediately deposit all chemical waste materials in a closed container at the conclusion of each service, or a fire-retardant container at the close of each business day is a violation of OAR 817-010-0060(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to immediately dispose of all waste and refuse in covered containers is a violation of OAR 817-010-0060(2) or (3):

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

(3) Failing to keep the outer surface of a waste disposal container clean is a violation of OAR 817-010-0060(4):

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

(4) Failing to dispose of disposable material coming into contact with blood or other bodily fluids in a sealable plastic bag is a violation of OAR 817-010-0060(5):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to dispose of disposable sharp-edged material coming into contact with blood or other bodily fluids in a sealable rigid container is a violation of OAR 817-010-0060(6):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(6) Failing to have sealable plastic bags and sealable rigid containers available for use at all times services are being performed is a violation of OAR 817-010-0060(7):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

817-090-0080

Schedule of Penalties for Dispensing of Cosmetic Preparations Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to properly dispense powders, liquids, wave solutions, creams, semi-solid substances or other materials which come in contact with a client is a violation of OAR 817-010-0055(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Reuse of any powders, liquids, wave solutions, creams, semi-solid substances, including paraffin wax or other materials which come in contact with a client is a violation of OAR 817-010-0055(1) and (2):

- (a) 1st offense: \$1000;
- (b) 2nd offense: \$2500;
- (c) 3rd offense: \$5000.

817-090-0085

Schedule of Penalties for Sanitation or Disinfectant Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to use a high-level disinfectant or failing to completely immerse in high-level disinfectant, all tools and implements with sharp edges or points, or foot spa equipment according to disinfectant manufacturer's instructions is a violation of either OAR 817-010-0068(3) or 817-010-0101(5):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to keep disinfecting solutions at adequate strength, free of foreign material, and/or available for immediate use at all times the facility is open for business is a violation of OAR 817-010-0068(10):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Failing to provide and maintain adequate disinfecting solutions or sterilizing equipment to the number of applicable authorization holders providing services, usage requirements or volume of business is a violation of OAR 817-010-0068(9):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Failing to use a low-level disinfectant or failing to completely immerse all tools and implements, without sharp edges or points according to disinfectant manufacturers instructions is a violation of OAR 817-010-0068(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

817-090-0090

Schedule of Penalties for Disinfecting Requirements of Tools and Implements

Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to cleanse and disinfect, with a high-level disinfectant, electrical or mechanical hair clipper blades before use on each client is a violation of OAR 817-010-0069(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to store new, disinfected or cleaned tools and implements separately from all others is a violation of OAR 817-010-0075(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Failing to ensure that any tool or implement; or article which comes in contact with a client is disinfected, cleaned or disposed of is a violation of OAR 817-010-0068(5); or 817-010-0040(2) or 817-010-0040(3):

(a) 1st offense: \$500;

(b) 2nd offense: \$1000;

(c) 3rd offense: \$2500.

(4) Failing to discard or give to the client any a disposable nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, or nail bits designed for single use after use on a client, is a violation of OAR 817-010-0068(11):

(a) 1st offense: \$500;

(b) 2nd offense: \$1000;

(c) 3rd offense: \$2500.

817-090-0095

Schedule of Penalties for Cleanable/Non-Absorbent Surfaces Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to have cleanable, non-absorbent surfaces on all equipment in all areas of a facility where services are performed is a violation of OAR 817-010-0101(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to keep equipment in a facility, including upholstery fabrics, clean and in good repair is a violation of OAR 817-010-0101(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Failing to have cleanable, non-absorbent floor surfaces in good repair in the area(s) of a facility where services are performed is a violation of OAR 817-010-0106(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

817-090-0100

Schedule of Penalties for Clean Conditions Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to keep a restroom located on the premises of a facility clean and sanitary is a violation of OAR 817-010-0021(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to keep a facility shampoo bowl or sink clean is a violation of OAR 817-010-0101(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Failing to keep roller-storage receptacles and their contents clean and free of foreign material is a violation of OAR 817-010-0075(2):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Failing to keep storage drawers for clean tools and implements clean and to use such drawers only for clean tools and implements is a violation of OAR 817-010-0075(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to keep storage cabinets, work stations, vanities and backbars or other such equipment clean is a violation of OAR 817-010-0075(4):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(6) Allowing hair clippings to accumulate on a facility floor or failing to dispose of hair clippings in a covered container is a violation of OAR 817-010-0106(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(7) Failing to keep facility walls and ceiling clean and free of excessive spots, mildew, condensation or peeling paint is a violation of OAR 817-010-0110:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(8) Failing to properly clean and disinfect foot spa equipment as required is a violation of OAR 817-010-0101(5):

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1000;
- (c) 3rd offense: \$2500.

817-090-0105

Schedule of Penalties for Client Health and Safety Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape is a violation of OAR 817-010-0040(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale is a violation of OAR 817-010-0085:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Performing services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Failing to maintain client records for each client receiving esthetics, services, on the premises of the facility or allow an enforcement officer access to review client records upon request is a violation of OAR 817-015-0065 or 817-015-0070:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to maintain required documentation of any manual, electrical and mechanical appliances and apparatuses or device, or to provide required documentation upon request is a violation of OAR 817-010-0065:

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

817-090-0110

Schedule of Penalties for Safe Working Conditions Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to meet the requirements of the Oregon Indoor Clean Air Act is a violation of OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

(2) Having frayed electrical wiring or overloading the electrical circuits in a facility is a violation of ORS 690.055(1)(c), and OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Having pets or other animals in facilities, other than service animals recognized by the American with Disabilities Act or fish in an aquarium is a violation of OAR 817-010-0095.

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Failing to wear eye goggles, shields or mask in performing services on a client where the likelihood of splattering is present is a violation of OAR 817-015-0030(1)(c):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(5) Failing to have a restroom available which is "reasonably accessible" for facility employees is a violation of OAR 817-010-0021(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

817-090-0115

Schedule of Penalties for Chemical Use and Storage Violations

The Office has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of chemical use and storage laws and rules. This schedule applies, except at the discretion of the Office pursuant to ORS 676.992. For the 4th and subsequent offenses, the provisions of ORS 676.992 apply.

(1) Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and authorization holders is a violation of OAR 817-060-0020(3):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(2) Failing to mix chemicals in a dispensing area is a violation of OAR 817-060-0030(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(3) Mixing or using chemicals near an open flame or other potential source of ignition is a violation of OAR 817-060-0030(1):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

(4) Having an open flame at the workstation, during any phase of chemical service, i.e. mixing, application, processing, or use of any potentially explosive or flammable chemical, in relation to performing services is a violation of OAR 817-060-0030(4)(d):

(a) 1st offense: \$300;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1000.

Proposed Rules

Division 100

CLARIFICATION OF EXEMPTIONS

817-100-0005

Domestic Administration

Domestic Administration under ORS 690.025(1) means a person providing services in a location where the client or person resides, and the services are provided only to persons who are related by blood, marriage, or domestic partnership.

AMEND AND RENUMBER FROM 817-020-0305 TO 817-100-0100

Licensed Health Care Facility

(1) Under ORS 690.025(3) the provisions of ORS 690.005 to 690.235 do not apply to persons who are acting under the authority of a hospital or long-term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415.

(2) Persons exempt under ORS 690.025(3) are limited to providing well-being care and personal hygiene services, including, but not limited to, basic skin and nail care, and washing, brushing, and combing hair on individuals residing at the hospital or long-term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415.

(3) Persons exempt under ORS 690.025(3) are prohibited from providing chemical services, including but not limited to permanent waving and coloring of hair, temporary hair removal, and applying or removing artificial nails to individuals residing at the

hospital or long-term care facility licensed under ORS 441.025 or the residential facility licensed under ORS 443.415.

(4) Persons providing services in a facility established within a hospital or long-term care facility licensed under ORS 441.025 or a residential facility licensed under ORS 443.415 are required to obtain a facility licensed under OAR 817-007-0000 and OAR 817-007-0025 when services in a field of practice defined under ORS 690.005 are being performed whether or not the individual receiving the service is residing at the hospital, long-term care facility or residential facility.

(5) For the purpose of this rule, residential facility means a facility licensed under ORS 443.415 and defined under OAR 411-054-0005(48).

(6) For the purpose of this rule, a hospital or long-term care facility means a facility licensed under ORS 442.025 and defined ORS 442.015(13) and 442.015(16).

Proposed Rules

Division 120

CODE OF PROFESSIONAL CONDUCT

817-120-0005

Standards of Practice

- (1) Authorization holders must adhere to all applicable Health Licensing Office laws and rules listed in ORS 676.560 to 676.660 and OAR chapter 331 divisions 1 through 30.
- (2) Authorization holders must practice in a manner which safeguards the public's health, safety, and welfare.
- (3) An authorization holder is responsible for determining if any practice would be prohibited by law.
- (4) Services provided by an authorization holder that are prohibited, unsafe, dangerous or causes harm may result in a violation of incompetence, negligence or unprofessional conduct pursuant to ORS 676.612(2)(j) and under Office rules.

Proposed Rules